THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17898 OF 2007

24th AUGUST, 2007.

Between:

P. Mallikharjun .. Petitioner

And

The District Collector (CS), RR District at Lakdikapool, Hyderabad. .. Respondent

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17898 OF 2007

ORDER:

This writ petition is filed with the following prayer :

"… … may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities in seizing the Tata Indica Car bearing Regn. No.AP-29-E-4101 belonging to the petitioner in connection with the case under Section 6-A of the E.C. Act on 14-7-2007 as illegal, arbitrary and unjust and consequently direct the respondent to release the said vehicle in favour of the petitioner forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

It is stated by the learned Counsel for the petitioner that though the petitioner made a request for release of the vehicle in question, the respondent has not passed any order so far.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondent.

Though the learned Counsel for the petitioner vehemently contended that the allegations on the basis of which the seizure was effected are all false and without any basis, I am not inclined to express any opinion since the same is the subject-matter of the enquiry pending before the respondent. However, having regard to the 2nd proviso to Section 6-A (1) of the Essential Commodities Act, 1955 (for short, 'EC Act') which provides for imposition of fine in lieu of confiscation of the vehicle used for any offence under the EC Act, I deem it appropriate to dispose of the Writ Petition with a direction to the respondent to release the vehicle in question subject to the

condition that the petitioner furnishes Bank Guarantee to the value of the commodities seized from the vehicle in question under Panchanama dated 14-7-2007. This shall not preclude the respondent to proceed with the enquiry following due process of law. No costs.

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(G. ROHINI, J.)

24th August, 2007.

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Note:- CC by 27-8-2007.